

**TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING
REJECTION OVER A PENDING SECOND APPLICATION**

Docket Number (Optional)

AUS9-2000-0733-US1

In re Application of: Berstis et al.

Application No.: 09/703,340

Filed: 10/31/2000

For: Batteryless, Oscillatorless, Binary Time Cell Usable as an Horological Device with Associated Programming Methods and Devices

The owner*, IBM Corporation, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Number 09/703,334, filed on 10/31/2000, of any patent on the pending second application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

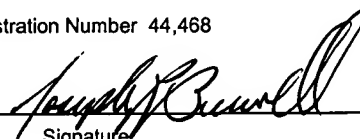
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2. ☒ The undersigned is an attorney or agent of record. Registration Number 44,468

 05/13/2004
Signature Date

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Joseph R. Burwell

Typed or printed name

(866) 728-3688

Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

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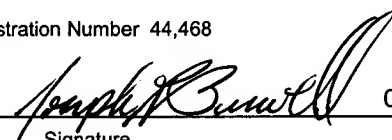
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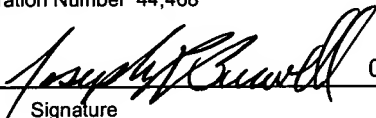
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